



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application  
BERNA, Philippe et al  
Serial No. 08/321,589  
Filed: Oct. 12, 1994  
For: PROCESS FOR MAKING A  
VERSATILE CLAMPING DEVICE  
DESIGNED TO HOLD OBJECTS  
WITHOUT DAMAGING THEM, SUCH  
A DEVICE AND ITS USE

RECEIVED

JUL 13 1995

GROUP 3200

Group Art Unit: 3206  
Examiner: Tom Hughes

#19 1/2

Molières-sur-Cèze, France  
June 9, 1995

AFFIDAVIT UNDER 37 CFR 1.132

Hon. Commissioner of Patents and Trademarks  
Washington, D.C. 20231

Sir:

This affidavit including a color copy of photographs is respectfully submitted to support what has been asserted in the applicant's response of 05/21/95 to the Examiner's action of 02/21/95 regarding the rejection of claims 1-3 and 10-12 in view of Neff and Thornton.

In this response, it has been said in particular that "Every person having ordinary skill in the art knows perfectly well that all clamps which have too stiff jaw faces like those of Neff or those of Thornton with their pads can touch and press on a slanting surface by only one side of their jaw face, even if the slanting is small. That means that the whole clamping force is concentrated on a very narrow surface, the surface along the touching side. So a very high pressure peak can be expected along this side and when a moulding or a sculpture is clamped, the high pressure peak can be expected on a ridge, just where it is the most fragile." On the other hand, "with the substantially elastic buffers of the present invention which act as compression springs because they are very thick under their contact face, the touching is achieved all over this face against a slanting surface, even if the slanting is not small. No risk at all of having a pressure peak and of damaging therefore a ridge of a sculpture. The buffer contact faces follow the shape."

The meaning of this reminder emerges clearly from the comparison between the clamping by a device according to the present invention upon a wooden piece cut slantwise with the clamping of the same wooden piece by prior art clamps. Photographs have been taken in the frame of this comparison and a copy of all of them upon a page is provided herewith.

The trouble for this comparison is that clamps according to Neff's and Thornton's patents are, to the applicant's knowledge, not available on the market, if ever they have been. So for carrying out this comparison on a representative way, these prior art clamps have been replaced by clamps which have jaw contact face of the same type, jaws moving parallel to each other and the jaw contact face under the clamping force means not turning when this force is increased. Thus, a clamp according to Neff has been represented by a barrel screw clamp. And a clamp according to Thornton has been replaced by what

American Tools Companies, Inc. is calling a "Quick-Grip" bar clamp. The last one is equipped with yellow pads looking like those of Thornton. They are called soft and pliable pads by American Tools.

From the photograph numbered 1 (on its side), it appears clearly that there is an open space between the Neff-like jaw contact faces (the black ones of a barrel screw clamp) and the wooden piece cut slantwise. The hole provided at the center of contact face under the barrel screw can be seen by shining effect. And there is also an open space between the Thornton-like jaw contact faces (with yellow pads) and the wooden piece (see photographs numbered 1 and 5). The open space can be spotted because of a shadow effect. While there is no space at all between the jaw contact faces (with green substantially elastic buffers) of a clamp according to the present invention and a piece cut slantwise (see photographs numbered 1 and 6). There is one 100% contact between the jaw contact faces of a clamp according to the present invention and the piece cut slantwise unlike what happens for the other kinds of clamps. And the consequences of such an achievement can be seen on photograph numbered 3: the difficult shapes of a furniture scroll can be followed to perfection by the jaw contact faces (the substantially elastic buffer ones) of a clamp according to the present invention. Any prior art clamp cannot follow such shapes but very crudely if ever it succeeds to hold on them.

The same comparison can be made with a miniature clamp according to Ditto, the more so since such a clamp has been put on the market by Evergreen Workbench, Inc.. It is the purpose of the photographs numbered 2 and 4. On the photograph numbered 2 can be also seen a miniature clamp according to Pappas (blue jaws) which is quite like a clamp according to Ditto (red jaws) except for the hooking plate on the tail of a jaw. It is clear on these photographs, that there is an open space between the cork pads of the jaw faces of a clamp according to Ditto (red jaws) and a piece cut slantwise. And it is the same with a clamp according to Pappas (blue jaws). That can be spotted because of a shadow effect too. Although easy to spot, the shadow effect with Ditto and Pappas miniature clamps is narrower than with Thornton-like clamps because their size is smaller. While it is also clear that there is no open space between the jaw faces (with yellow substantially elastic buffers this time) of a clamp according to the present invention and the piece cut slantwise (see photographs numbered 2 and 4).

It is the first time in the history that a clamp can provide a 100% contact with slantwise shapes. And this result directly derives from the advantage of this clamp over the prior art ones of being equipped with substantially elastic

buffers.

That is why the Examiner is invited to waive his rejection of claims 1-3 and 10-12.

Respectfully submitted on June 9th, 1995

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DECLARATION IN LIEU OF OATH

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF INVENTOR

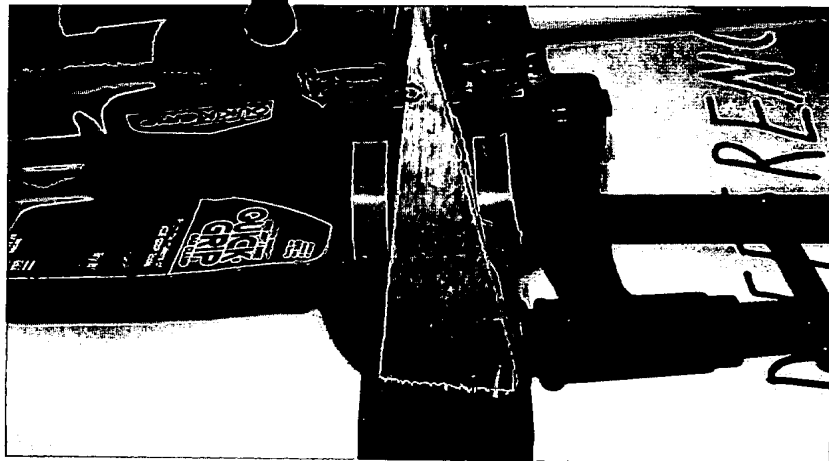
*Philippe BERNA*  
Signature of Inventor

*Philippe BERNA*

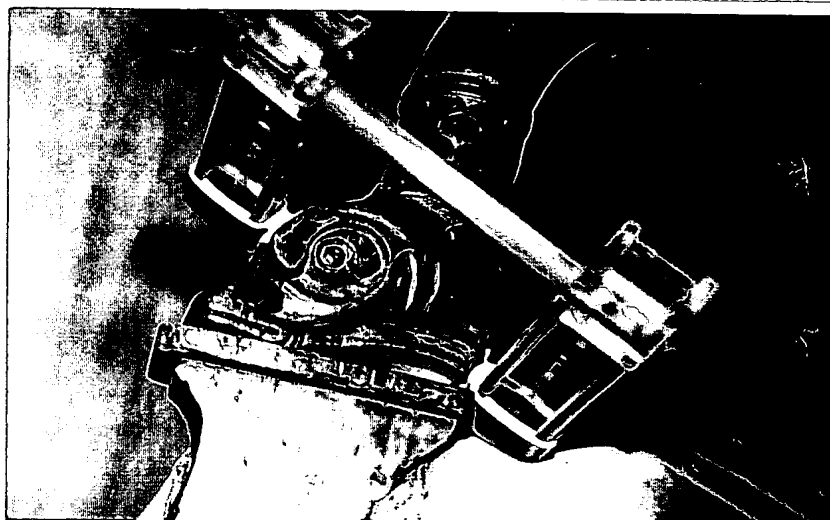
Date

*June 9th, 1995*

Enclosure : a color photocopy of photographs.



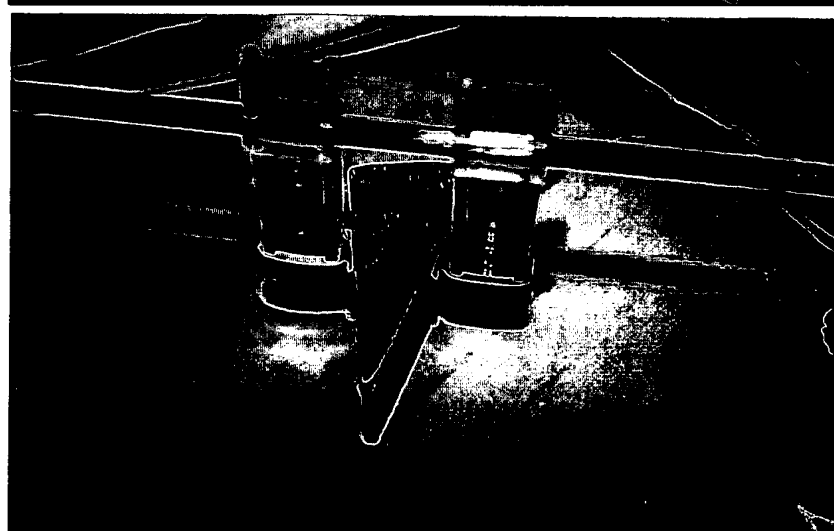
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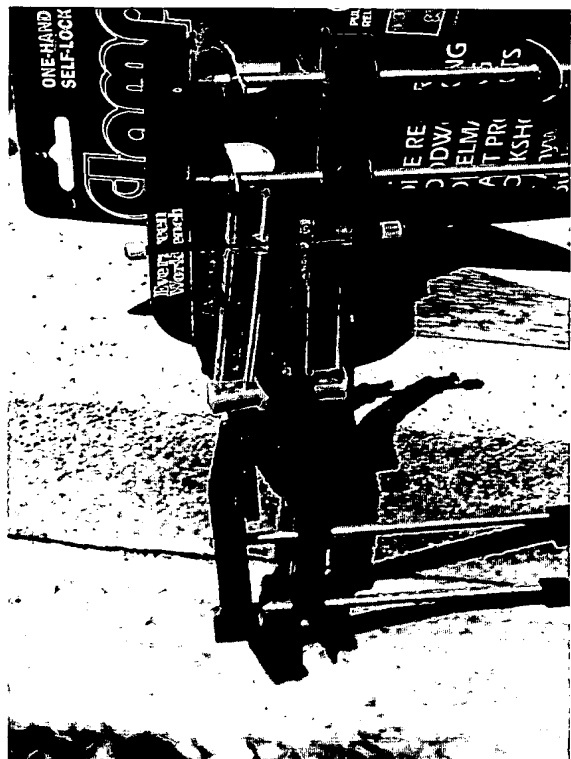
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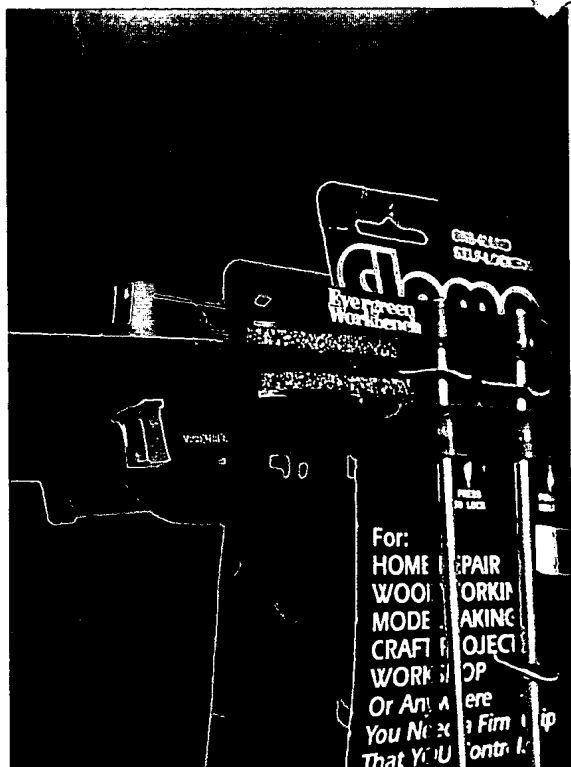
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